

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION

CHRISTY ROBINSON

CIVIL ACTION NO. 20-cv-0251

VERSUS

JUDGE DONALD E. WALTER

MAREL INC, ET AL

MAGISTRATE JUDGE HORNSBY

MEMORANDUM ORDER

Christy Robinson (“Plaintiff”) filed suit in state court based on an injury that she alleged was caused by a defective poultry processing machine manufactured by Marel, Inc. Marel removed the case based on asserted diversity jurisdiction over the dispute between Plaintiff (a Louisiana citizen) and Marel (a Kansas corporation with its principal place of business in Kansas).

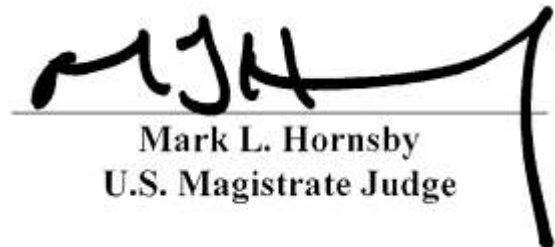
Plaintiff, after exploring the facts through discovery, states that she has determined that the equipment that injured her was not manufactured by Marel but was made by Cantrell Machine Co., now known as Cantrell-Gainco Group, and USA Sales and Automation, now known as JBT Corporation. Plaintiff has filed a Motion to Substitute Parties (Doc. 14) in which she asks that the court substitute those companies as defendants and dismiss Marel.

Plaintiff’s **Motion to Substitute Parties (Doc. 14)** is **denied without prejudice**. Plaintiff will be allowed until July 24, 2020 to file a motion for leave to file an amended complaint. The motion should be accompanied by a proposed amended complaint that deletes Marel as a defendant and adds the new defendants. Because this case was removed

based on diversity jurisdiction, it is critical that the pleading allege with specificity the citizenship of the new defendants.

Plaintiff should allege whether each entity is a corporation or other type of entity. If a defendant is a corporation, Plaintiff must allege (1) the state in which it was incorporated and (2) the state in which it has its principal place of business under the test set forth in Hertz Corp. v. Friend, 130 S.Ct. 1181 (2010). If a defendant is a partnership, LLC, or other form of unincorporated association, Plaintiffs must attempt to set forth with specificity the identity of all members/partners and allege their citizenship in accordance with applicable rules. See Settlement Funding, L.L.C. v. Rapid Settlements, Ltd., 851 F.3d 530, 536 (5th Cir. 2017); Rodidaco, Inc. v. Chesapeake Energy Louisiana Corp. 2018 WL 3551525 (W.D. La. 2018).

THUS DONE AND SIGNED in Shreveport, Louisiana, this 8th day of July, 2020.



Mark L. Hornsby
U.S. Magistrate Judge